

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Jerome Morris-Bey, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:07CV1814  
 )  
 5 Semi-Unknown St. Louis )  
 Metropolitan City Police )  
 Officers, et al., )  
 )  
 Defendants. )

ORDER

This matter is before the Court on plaintiff's motion to reopen the time for filing an appeal pursuant to Rule 4(a)(6) of the Federal Rules of Appellate Procedure. The motion will be denied.

The Court dismissed plaintiff's complaint pursuant to 28 U.S.C. § 1915(e) on March 13, 2009. Plaintiff, a prisoner, says that he did not receive a copy of the Court's Order of Dismissal until April 6, 2009. Although it is unclear exactly as to when plaintiff put his motion to reopen in the prison mail system, the supplement to the motion indicates that plaintiff typed it on April 15, 2009.

Pursuant to Rule 4(a)(6) of the Federal Rules of Appellate Procedure:

**Reopening the Time to File an Appeal.** The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment

or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 7 days after the moving party receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

The second requirement of Rule 4(a)(6) has not been met. Plaintiff received the Order of Dismissal on April 6, 2009. Plaintiff did not, however, place the motion in the prison mail system until at least April 16, 2009, which is more than seven days after he received notice of the dismissal. As a result, the Court may not reopen the time for filing an appeal, and the motion will be denied.

Additionally, Rule 11(a) of the Federal Rules of Civil Procedure states that every motion "must be signed . . . by a party personally if the party is unrepresented." Although plaintiff wrote his initials at the bottom of the motion, he did not sign it with his normal signature. The motion must be denied for this reason as well.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to reopen the time for filing an appeal pursuant to Rule 4(a)(6) of the Federal Rules of Appellate Procedure [#27] is **DENIED**.

Dated this 10th day of June, 2009.

*Rodney S. Webb*  
RODNEY S. WEBB, District Judge  
United States District Court